



District of Columbia Sentencing and Criminal Code Revision Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001
Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

September 15, 2015

One Judiciary Square, Suite 430S, Washington, DC 20001

Voting Members in Attendance:

Frederick Weisberg	Harold Cushenberry	Donald Braman
Paul Butler	Robert Morin	Molly Gill
Julie Samuels (via phone)	Laura Hankins	Marvin Turner
Renata Cooper	William Martin	Ron Gainer

Non-Voting Members in Attendance:

Maria Amato	Judi Garrett	Michael Anzallo
Stephen Husk	Channell Autrey	

Staff in Attendance:

Barbara Tombs-Souvey	Michael Serota	LaToya Wesley
Linden Fry	Jinwoo Park	Richard Schmechel
Bryson Nitta	Mia Hebb	

- I. The meeting was called to order by Chairman Weisberg at 5:10 p.m.
- II. The minutes from May 20, 2015, meeting were reviewed and approved.
- III. Appointment/Reappointment of two members: Marvin Turner and Judi Garrett- Informational Item, Chairman Weisberg.

Appointment/Reappointment: Chairman Weisberg announced the reappointment of Marvin Turner and appointment Judi Garrett as the U.S. Bureau of Prisons representative. The Commission welcomed them both.

- IV. Overview of Ethics Training for Boards and Commissions – Informational Item, Marvin Turner.

Ethics Training for Boards and Commissions: Marvin Turner gave a brief overview of the recent ethics training for boards and commissions members. Mr. Turner discussed several key roles of the Board of Ethics and Government (BEGA) Accountability:

- General Ethics Training
- Advice
- BEGA Investigations

- Member Code of Conduct
- BEGA Enforcement Proceedings
- BEGA Jurisdiction
- Penalties and Fines

Mr. Turner also shared an offer by BEGA to give a presentation and provide information to the full Commission if requested.

- V. Proposed “Enactment Plus” revisions to the D.C. Criminal Code - Action Item, Chairman Weisberg and Richard Schmechel.

Proposed Revision to the D.C. Criminal Code: Chairman Weisberg briefly discussed the Criminal Code Revision Project (CCRP) and stated that the project is slated to end on September 30, 2016, unless the Council extends its term. Chairman Weisberg reviewed the Enactment Plus deliverables. He stated that future deliverables, beyond “Enactment Plus” would be provided as they become available and that the CCRP Committee will work on a consensus basis to provide proposed recommendations for approval. The government agencies (Public Defender Service, Office of the Attorney General, and US Attorney’s Office) will each examine and state their agency’s position regarding the recommendations presented. Following the intra-agency review, materials will be forwarded to the Commission for review and approval before submission to the Council. Chairman Weisberg briefly discussed the timeline and order of upcoming deliverable: Property offenses, Drug offenses, Sex abuse offenses and other major offenses. Chairman Weisberg turned the discussion over to Mr. Schmechel to discuss the Proposed “Enactment Plus” revisions to the Criminal Code.

Mr. Schmechel gave an overview of the “Enactment Plus” materials that were submitted by the CCRP Committee to the Commission. Mr. Schmechel discussed the proposed revisions and materials in light of the Commission’s Code Revision mandates, including the Enactment of DC Title 22. He stated that CCRP members unanimously approved all of the “Enactment Plus” recommendations subject to the following changes: certain erroneous references to the “Commission” instead of the CCRP “Committee” will be corrected; the materials will clarify that in addition to identifying the 16 penalty-only offenses, the Committee also plans on codifying them; revisions to cure statutes that have been held unconstitutional will not be described as “technical.”

Mr. Schmechel discussed the recommendations and corresponding draft legislation that were presented in six parts set forth in the memorandum:

- Obsolete offenses and provisions (To Repeal)
 - (a) 19 offenses, 1 Procedural provision, 1 penalty provision for repeal
- Outdated language (Technical Amendment)
 - (a) 78 statutes for technical amendment
- Unconstitutional Statutes
- Common Law Offenses to repeal and further codify
- Relocating non-criminal provisions out of Title 22 Provisions Enactment of Title 22

The Commission reviewed and discussed the proposed Enactment Plus revisions to the D.C. Criminal Code. The Commission raised several questions and recommended the following changes and clarification:

- (1) Include the statement noting that the Commission intends to codify the Penalty Only Offenses;
- (2) Note that revisions relating to D.C. Code § 7-2506.01, Unlawful Possession of Ammunition and D.C. Code § 22-4512, Alteration of Identifying Marks of Weapons will be labeled as “substantive changes” rather than “technical amendments;”
- (3) Omit footnotes stating that members or institutions had not responded; and
- (4) Correct certain references to “Commission” and “Committee.”

Laura Hankins commended the Criminal Code Revision Staff for all their hard work preparing a well-written draft report in such detail.

Commission Action#1: The Commission voted to approve sending the “Enactment Plus” report and recommendations to the Council with the proposed modifications by a 12-0 vote.

The Commission meeting previously scheduled for October 20, 2015, was rescheduled for October 27, 2015.

Meeting Adjourned: 6:10 p.m.

NEXT MEETING:
October 27, 2015
One Judiciary Square (441 4th St., NW), Room 430S.